

AMENDED IN SENATE APRIL 28, 2003

**SENATE BILL**

**No. 898**

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**Introduced by ~~Senator Burton~~ Senators *Burton and Machado***

February 21, 2003

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An act to add and repeal ~~Section 51221~~ *Sections 65852.13 and 66474.5* of the Government Code, relating to land conservation.

LEGISLATIVE COUNSEL'S DIGEST

SB 898, as amended, Burton. ~~Soil~~ *Farmland* conservation.

The Planning and Zoning Law authorizes a city or county to adopt ordinances that regulate the intensity of land use and requires every city and county to prepare and adopt an open-space zoning ordinance consistent with an open-space plan that provides for, among other things, the continued availability of land for the production of food and fiber.

*The Subdivision Map Act requires the legislative body of a city or county to deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any one of specified findings.*

This bill would, until January 1, 2015, prohibit any ~~city, county, city and county, or other local governmental agency from zoning or rezoning agricultural land that qualifies as a specified class~~ *county or city, including a charter city, from zoning, rezoning, or prezoning any important cropland, as defined, for nonagricultural use and from granting approval of a tentative map or parcel map if the land is important farmland that would be converted to a nonagricultural use unless the county or city makes specified findings.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

~~SECTION 1. The Legislature finds and declares all of the~~

SECTION 1. *Section 65852.13 is added to the Government Code, to read:*

65852.13. (a) *As used in this section:*

(1) *“Important cropland” means any land shown as “prime farmland,” “farmland of statewide importance,” or “unique farmland” on the most recent or any previous Important Farmland Series map and means any “irrigated farmland” shown on a current or any previous Interim Farmland map prepared by the Department of Conservation pursuant to Section 65570. “Important cropland” does not include land shown as “farmland of local importance,” “grazing land,” “urban and built-up land,” “other land,” and “water” on the most recent Important Farmland Series maps and does not include any “nonirrigated farmland” shown on a current Interim Farmland map prepared by the Department of Conservation pursuant to Section 65570.*

(2) *“Lower income households” has the same meaning as in Section 50079.5 of the Health and Safety Code.*

(3) *“Proximate land that is not important cropland” means land that is not important cropland that is sufficiently close to the important cropland that it can serve as a practical alternative for the nonagricultural use that is proposed for the important cropland.*

(4) *“Suitable for the proposed nonagricultural use” means that the salient features of the proposed nonagricultural use can be served by land that is not important cropland. The land that is not important cropland may be a single parcel or may be a combination of contiguous or noncontiguous parcels.*

(5) *“Very low income households” has the same meaning as in Section 50105 of the Health and Safety Code.*

(b) *A county or a city may not zone, rezone, or prezone any important cropland for a nonagricultural use.*

(c) *Notwithstanding subdivision (b), a county or a city may zone, rezone, or prezone important cropland for a nonagricultural use if the county or the city finds, based on substantial evidence in the record, all of the following:*

1     (1) *The request to zone, rezone, or prezone the important*  
2 *cropland is accompanied by a proposal for a specified*  
3 *nonagricultural use of the important cropland.*

4     (2) *The proposed nonagricultural use of the important*  
5 *cropland is consistent with the applicable county or city general*  
6 *plan, or is consistent with a proposed amendment to the applicable*  
7 *county or city general plan.*

8     (3) *The proposed nonagricultural use of the important*  
9 *cropland is not likely to result in the conversion of other important*  
10 *cropland to nonagricultural uses.*

11     (4) *The proposed nonagricultural use of the important*  
12 *cropland is essential to the long-term economic development of the*  
13 *county or city.*

14     (5) *One or more of the following:*

15     (A) *There is no proximate land that is not important cropland*  
16 *that is both available and suitable for the proposed*  
17 *nonagricultural use of the important cropland.*

18     (B) *The proposed nonagricultural use of the important*  
19 *cropland would provide more contiguous patterns of development*  
20 *than the use of proximate land that is not important cropland.*

21     (C) *In the case of important cropland to be zoned, rezoned, or*  
22 *prezoned for residential uses, all of the following:*

23         (i) *The density of the residential use will be at least six housing*  
24 *units per acre.*

25         (ii) *At least 10 percent of the total number of the housing units*  
26 *will be affordable to lower income households.*

27         (iii) *At least 5 percent of the total number of the housing units*  
28 *will be affordable to very low income households.*

29     (d) *If a county or a city makes the findings required by*  
30 *subdivision (c), the county or the city shall require, as a condition*  
31 *of the zoning, rezoning, or prezoning, the permanent preservation*  
32 *and commitment to productive agricultural use of four acres of*  
33 *important cropland for each acre of important cropland zoned,*  
34 *rezoned, or prezoned. The important cropland proposed to be*  
35 *permanently preserved and committed to productive agricultural*  
36 *use shall be equally or more suitable for agricultural use than the*  
37 *land proposed to be zoned, rezoned, or prezoned to a*  
38 *nonagricultural use. In determining the suitability of the land for*  
39 *agricultural use, a county or city shall consider the soil quality and*

1 water availability of the land, adjacent land uses, and any  
2 agricultural support infrastructure.

3 (e) The Legislature finds and declares that the conversion of  
4 important cropland to nonagricultural uses that counties and  
5 cities facilitate by zoning, rezoning, or prezoning important  
6 cropland, affects California's economic development, natural  
7 resources, social and economic equity, and environmental quality.  
8 This conversion of important cropland to nonagricultural uses is,  
9 therefore, an issue of statewide concern and not solely a municipal  
10 affair. Accordingly, and notwithstanding Sections 65700 and  
11 65803, the Legislature intends that this section applies to all  
12 counties and cities, including charter cities.

13 (f) This section shall remain in effect only until January 1,  
14 2015, and as of that date is repealed, unless a later enacted statute,  
15 that is enacted before January 1, 2015, deletes or extends that date.  
16 It is the intent of the Legislature to evaluate the effects of this  
17 section during 2014, and consider the extension or amendment of  
18 this section.

19 SEC. 2. Section 66474.5 is added to the Government Code, to  
20 read:

21 66474.5. (a) As used in this section:

22 (1) "Important cropland" means any land shown as "prime  
23 farmland," "farmland of statewide importance," or "unique  
24 farmland" on the most recent or any previous Important Farmland  
25 Series map and means any "irrigated farmland" shown on a  
26 current or any previous Interim Farmland map prepared by the  
27 Department of Conservation pursuant to Section 65570.  
28 "Important cropland" does not include land shown as "farmland  
29 of local importance," "grazing land," "urban and built-up land,"  
30 "other land," and "water" on the most recent Important  
31 Farmland Series maps and does not include any "nonirrigated  
32 farmland" shown on a current Interim Farmland map prepared by  
33 the Department of Conservation pursuant to Section 65570.

34 (2) "Lower income households" has the same meaning as in  
35 Section 50079.5 of the Health and Safety Code.

36 (3) "Proximate land that is not important cropland" means  
37 land that is not important cropland that is sufficiently close to the  
38 important cropland that it can serve as a practical alternative for  
39 the nonagricultural use that is proposed for the important  
40 cropland.

1 (4) “Suitable for the proposed nonagricultural use” means that  
2 the salient features of the proposed nonagricultural use can be  
3 served by land that is not important cropland. The land that is not  
4 important cropland may be a single parcel or may be a  
5 combination of contiguous or noncontiguous parcels.

6 (5) “Very low income households” has the same meaning as in  
7 Section 50105 of the Health and Safety Code.

8 (b) The legislative body of a county or city shall deny approval  
9 of a tentative map, or a parcel map for which a tentative map was  
10 not required, if it finds that the land is important cropland and that  
11 the subdivision would facilitate the conversion of the important  
12 cropland to a nonagricultural use.

13 (c) Notwithstanding subdivision (b), the legislative body may  
14 approve the tentative map or parcel map if the legislative body  
15 finds, based on substantial evidence in the record, all of the  
16 following:

17 (1) The proposed subdivision of the important cropland is  
18 accompanied by a proposal for a specified nonagricultural use of  
19 the important cropland.

20 (2) The proposed nonagricultural use of the important  
21 cropland is consistent with the applicable county or city general  
22 plan, or is consistent with a proposed amendment to the applicable  
23 county or city general plan.

24 (3) The proposed nonagricultural use of the important  
25 cropland is not likely to result in the conversion of other important  
26 cropland to nonagricultural uses.

27 (4) The proposed nonagricultural use of the important  
28 cropland is essential to the long-term economic development of the  
29 county or city.

30 (5) One or more of the following:

31 (A) There is no proximate land that is not important cropland  
32 that is both available and suitable for the proposed  
33 nonagricultural use of the important cropland.

34 (B) The proposed nonagricultural use of the important  
35 cropland would provide more contiguous patterns of development  
36 that the use of proximate land that is not important cropland.

37 (C) In the case of the subdivision of important cropland for  
38 residential uses, all of the following:

39 (i) The density of the residential use will be at least six units per  
40 acre.

1 (ii) At least 10 percent of the total number of the housing units  
2 will be affordable to lower income households.

3 (iii) At least 5 percent of the total number of the housing units  
4 will be affordable to very low income households.

5 (d) If the legislative body makes the findings required by  
6 subdivision (c), the legislative body shall require, as conditions to  
7 the approval of the subdivision, both of the following:

8 (1) The permanent preservation and commitment to productive  
9 agricultural use of one acre of important cropland for each acre  
10 of important cropland covered by the tentative map or parcel map.  
11 The important cropland proposed to be permanently preserved and  
12 committed to productive agricultural use shall be equally or more  
13 suitable for agricultural use than the land proposed to be zoned,  
14 rezoned, or prezoned to a nonagricultural use. In determining the  
15 suitability of the land for agricultural use, a county or city shall  
16 consider the soil quality and water availability of the land,  
17 adjacent land uses, and any agricultural support infrastructure.

18 (2) Notwithstanding the size limit in paragraph (1) of  
19 subdivision (a) of Section 66473.7, the application of the  
20 conditions regarding a sufficient water supply required by Section  
21 66473.7.

22 (e) This section shall remain in effect only until January 1,  
23 2015, and as of that date is repealed, unless a later enacted statute,  
24 that is enacted before January 1, 2015, deletes or extends that date.  
25 It is the intent of the Legislature to evaluate the effects of this  
26 section during 2014, and consider the extension or amendment of  
27 this section.

28 SEC. 3. In enacting this act and adding Sections 65852.13  
29 and 66474.5 to the Government Code, the Legislature intends to  
30 supplement the methods for preserving important cropland. These  
31 methods are in addition to, and do not supplant, any of the other  
32 existing methods for preserving important cropland, including, but  
33 not limited to, agricultural conservation easements, conservation  
34 easements, open-space easements, and contracts and Farmland  
35 Security Zones pursuant to the Williamson Act.

36 ~~finding:~~

37 ~~(a) Soils are a valuable natural resource and should be~~  
38 ~~conserved and protected.~~

1 ~~(b) Stewardship of California's rich and productive soils~~  
2 ~~provides the greatest options for long-term, sustainable economic~~  
3 ~~growth.~~

4 ~~(c) The long-term conservation of open space and agricultural~~  
5 ~~land is critical to the welfare of the people of California.~~

6 ~~(d) The focusing of development pressures, infrastructure~~  
7 ~~funding, and investment funds away from agricultural lands will~~  
8 ~~increase the urban benefits by making more funds available for~~  
9 ~~development and redevelopment consistent with current zoning.~~

10 ~~(e) The long-term conservation of agricultural land will benefit~~  
11 ~~urban areas by ensuring that a steady supply of high quality,~~  
12 ~~low-cost fresh foods are available to urban residents and by~~  
13 ~~conserving world-class agricultural soils.~~

14 ~~SEC. 2. Section 51221 is added to the Government Code, to~~  
15 ~~read:~~

16 ~~51221. (a) No city, county, city and county, or other local~~  
17 ~~governmental agency may zone or rezone agricultural land for~~  
18 ~~residential or commercial development or any other intensive use~~  
19 ~~if the agricultural land qualifies as either of the following:~~

20 ~~(1) The land is designated as prime farmland, unique farmland,~~  
21 ~~or farmland of statewide importance by the Farmland Mapping~~  
22 ~~and Monitoring Program of the California Resources Agency.~~

23 ~~(2) The soils have a rating of Class 1 or Class 2 in the land~~  
24 ~~capability classification system of the National Soil Survey~~  
25 ~~Handbook adopted by the Natural Resources Conservation~~  
26 ~~Service of the United States Department of Agriculture.~~

27 ~~(b) This section shall remain in effect only until January 1,~~  
28 ~~2015, and as of that date is repealed, unless a later enacted statute,~~  
29 ~~that is enacted before January 1, 2015, deletes or extends that date.~~  
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